

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/007,448
Applicants : David Lewis, Hans Herweijer, James E. Hagstrom,
Aaron Loomis, Jon A. Wolff,
Filed : 11/07/2001
Art Unit : 1635
Examiner : Gibbs, Terra C.
Docket No. : Mirus.030.03

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For: Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-Embryonic Animal Cells *In vivo*

Commissioner for Patents
P.O. Box 1450
Alexandria VA, 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT A DELAYED CLAIM
BENEFIT UNDER 35 U.S.C. 120 OF FILED COPENDING
NONPROVISIONAL APPLICATION**

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit for this application under 35 U.S.C. 120 as a continuation-in-part of application No. 09/447,966 filed on November 29, 1999, now Pat No. 6,627,616, which claims benefit to provisional applications 60/121,730, filed Feb. 26, 1999, and 60/146,564, filed Jul. 30, 1999; and is a Continuation-In-Part from nonprovisional application 09/391,260, filed Sep. 7, 1999 which is a Divisional from nonprovisional application 09/975,573, filed Nov. 21, 1997 now U.S. Pat. No. 6,265,387 issued Nov. 21, 1997, which is a Continuation from 08/571,536, filed Dec. 13, 1995, abandoned.

09/13/2005 RFEKA01 000000020 10007448
130.00 CP
01 FC:1999

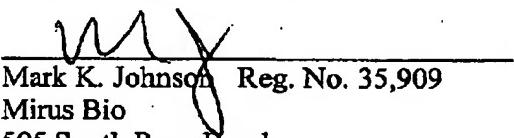
Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Enclosed is a credit card pay form, please charge the amount of \$130.00 to cover the petition fee as set forth in § 1.17(m).

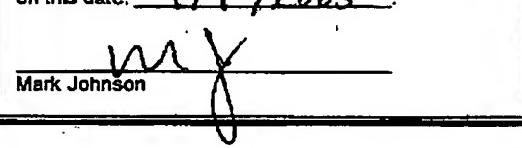
Please forward the attached amendment and response to the Examiner.

If there are any questions, please contact the undersigned.

Respectfully submitted,


Mark K. Johnson Reg. No. 35,909
Mirus Bio
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being sent by facsimile transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 9/9/2005


Mark Johnson